

REMARKS

The Amendment, filed in response to the Office Action of October 15, 2010, is believed to fully address all issues contained in the Office Action. Favorable reconsideration and allowance of the application are respectfully requested.

Disposition of Claims and Claim Amendment

As of the mailing date of the Office Action, claims 1-6, 8, 9, 11-13, 15 and 16 were all the pending claims for this application, from which claim 15 has been withdrawn from consideration.

In the current Amendment, claim 1 is amended to incorporate the features of claim 13, and claim 13 is canceled accordingly. Claim 1 is further amended to more clearly set forth the claimed subject matter by deleting “wherein the signal sequence of the overexpressed immunoglobulin constant region is processed,” for which the Examiner commented that the word “processed” was not clear.

No new matter is introduced.

Upon entry of the Amendment, claims 1-6, 8, 9, 11, 12, and 16 will be all the pending claims under examination.

Response to Claim Rejections under 35 USC § 103

In the Office Action, Claims 1-6, 8 and 16 are maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634

(1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09).

In the Office Action, claims 1, 9 and 12 are maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03).

Claims 1 and 11 are maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (W0200015661; published 3/23/00).

In the Office Action, Claims 1-6, 8 and 16 are also maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09).

In the Office Action, Claims 1, 9 and 12 are maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99);

cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03); cited in the Office Action of 12/4/09).

In the Office Action, Claims 1 and 11 are maintained rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (W0200015661; published 3/23/00; cited in the PTO 892 form of 12/4/09).

In response, without conceding the rejections, solely in order to advance the prosecution, Applicant amends claim 1 to incorporate the feature of claim 13, which is not rejected under 35 U.S.C. § 103, rendering the rejections moot.

Withdrawal of the rejections is respectfully requested.

Response to Claim Rejections - 35 USC § 112

In the Office Action, Claims 1-6, 8, 9, 11, 12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, without conceding the rejection, Applicant amends claim 1 to cancel the phrase "wherein the signal sequence of the overexpressed immunoglobulin constant region is processed," rendering the rejection moot.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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